

TOWN BOARD

The Town Board, Town of Highlands, held a public hearing and meeting on Monday, July 8, 2013 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member (arrived 7:50pm)
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk
	Kelly Blauvelt	----	Comptroller
ABSENT:	June Gunza	----	Council Member

Supervisor Livsey opened the meeting at 7:00pm and asked for a moment of silence for Mary-Terese Hansen who passed away recently. The Supervisor explained that Mrs. Hansen was a former Town Council Member, former Building Inspector, a member of the Ambulance Corps and the Board of Directors, a member of the Town of Highlands Republican Committee and a member of the Fort Montgomery Fire Department Ladies Auxiliary.

PUBLIC HEARING LOCAL LAW #1 OF 2013 (Parking Prohibited – Fawnwood Lane):

Public Comment:

Frank Cassano said no one knows about this parking issue and he doesn't believe that any harm is being done by the snow plow. Mr. Cassano said the map shows no restrictions and he has a two family house and asked where he was supposed to park. Mr. Cassano asked if the Town would be putting up signs.

Supervisor Livsey said that, if the law was passed, the Town would put signs up.

Mr. Cassano said that he doesn't want the Town to put the snow on his property.

Supervisor Livsey said he appreciates the comments and thinks the Board might hold off voting on this tonight.

Anthony Camp said he has no problem with the no parking, but he does not want any signs on his property.

Mr. Cassano said maybe the Town could make it a snow emergency route like other places have.

TOWN BOARD

JULY 8, 2013

Ed Magryta said that the Fawnwood cul de sac is not standard and he suggested making improvements to it before dealing with the parking.

Supervisor Livsey said the snow emergency route is a good idea.

Council Member Gokey made a motion seconded by Council Member Edsall to close the public hearing. Public hearing closed at 7:15pm.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

REGULAR MEETING

PUBLIC COMMENT

There was no public comment.

MINUTES

Supervisor Livsey said the Board has the minutes from the June 24, 2013 meeting.

Council Member Edsall asked the Town Clerk to make a change to his statement about the demolition of a building at the Marina.

Council Member Edsall made a motion seconded by Council Member Gokey to accept the minutes from the June 24, 2013 Town Board meeting.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

COMMUNICATIONS

Supervisor Livsey received a letter from Rev Matos asking for permission to hold two (2) Bi-lingual Revivals. The Supervisor said the revivals will be July 25-27 and August 1-3 at Memorial Park.

Council Member Edsall made a motion seconded by Council Member Gokey to approve the request from Rev. Matos for his two (2) Bi-lingual Revivals.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

TOWN BOARD

JULY 8, 2013

The Town Clerk was asked to notify the Village.

Supervisor Livsey received a letter from Skeeter Starr stating that there will be a flotilla passing the Highland Falls Marina on July 20 from 12-12:15pm. The Supervisor said that Mr. Starr would like residents to come down and cheer them on and said that if anyone has a boat they were welcome to join the flotilla.

Supervisor Livsey announced that the Town's website has been changed and the new one is townofhighlands-ny.gov. The Supervisor also provided the website for the Garrison Commander and the Facebook page for the Garrison Commander.

FINANCIAL REPORTS, REQUESTS & RESOLUTIONS

Accounts Payable:

Supervisor Livsey reported that the Accounts Payable total was \$242,488.94 and the Water Project payments totaled \$55,657.06.

Budget Transfer:

Supervisor Livsey has a request from the Capt. Stroppel to transfer money.

Council Member Gokey made a motion seconded by Council Member Edsall to authorize the transfer of \$17.51 from Community Service to Ambulance Transportation.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)

0-nays

2-absent (Stradley, Gunza)

2014 Budget:

Comptroller Blauvelt said the tentative Budget Schedule has been sent out and she has not received any feedback. Ms. Blauvelt said the first meeting will be on July 22 and the process will be similar to last year.

BOARD REPORTS

Council Member Gokey:

Council Member Gokey received a letter from Jean Talman asking to be re-appointed as the Sole Assessor. Ms. Gokey said that the Assessor and her Clerk will be attending a school in Ithaca from July 15-17.

Council Member Gokey said the Building Department has issued some violations to the residents on the original list and they are getting others ready.

TOWN BOARD

JULY 8, 2013

Council Member Gokey reported that Time Warner was down recently.

Ms. Blauvelt said that one (1) line was down in the Town Hall.

Supervisor Livsey said that the Building Department received a reply from one of the violators asking for a suggested remedy. The Supervisor said they were told to take the sign down or go to the Planning Board.

Ms. Blauvelt said the switch over to Time Warner Cable at the Ambulance Building, Police Department and Highway Garage are all complete and the Town Hall will be done on Friday. Ms. Blauvelt said the interruption to service should be minimal.

Council Member Gokey said Mr. Hager attended the Village Department Head meeting. Ms. Gokey said that Mr. Hager said there was a list of things the Mayor would like to discuss and she needs to get that list from Mr. Hager.

Council Member Edsall:

Council Member Edsall said the next meeting at the Marina will be on July 13 and they are held every other week.

Council Member Edsall said that Orange & Rockland is offering a Lighten Up Program where they will come in and do a free audit. Mr. Edsall would like the Town to take advantage of this program.

Supervisor Livsey said that people are saying how nice the Marina looks after the clean-up. The Supervisor thanked Neighbors' Landscaping and the many volunteers who took part.

SUPERVISOR'S REPORT

Supervisor Livsey said that the News of the Highlands is usually 99% right with their reporting, but in last week's addition the article about the Reserve Funds and Tax Stabilization was very confusing. The Supervisor explained the different funds to the public.

Supervisor Livsey said Ned Kopald called and asked to be appointed to the Cemetery Committee.

Supervisor Livsey made a motion seconded by Council Member Edsall to appoint Ned Kopald to the Cemetery Committee.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

TOWN BOARD

JULY 8, 2013

Supervisor Livsey said he would like to form a Community Service Oversee Committee. The Supervisor was informed that if the Program is Town sponsored, the participants are covered by the insurance

Council Member Gokey made a motion seconded by Council Member Edsall to form the Community Service Oversee Committee and ask for volunteers.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

Supervisor Livsey reported that he attended the Community Relations meeting and was informed by Col Rideout that he doesn't believe that Mine Road is safe and there is no money to fix it. The Supervisor said that the road is going to be closed when the summer training begins and it might not reopen it. The Supervisor asked the residents to write a letter either to him or Col Rideout to express their concerns.

ATTORNEY'S COMMENTS

Mr. Rider has a proposed agreement between the Village and the Town for a 4th Amendment to the Water Supply Agreement.

Council Member Gokey made a motion seconded by Council Member Edsall to authorize Supervisor Livsey to sign the Fourth Amendment to the Water Supply Agreement between the Village and Town.

RESOLUTION ADOPTED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

******RESOLUTION ATTACHED******

GENERAL BUSINESS

Town Assessor Appointment:

Supervisor Livsey said that an advertisement was placed in the paper for a Sole Assessor. The Supervisor said the only reply was from the current Assessor, Jean Talman. Supervisor Livsey said Ms. Talman's current appoint expires September 30 and he would like the Board to appoint her to a 6-year term at the current salary schedule.

After a brief discussion the Board acted on the appointment.

TOWN BOARD

JULY 8, 2013

Council Member Gokey made a motion seconded by Council Member Edsall to appoint Jean Talman to the position of Sole Assessor for a 6-year term at the current salary schedule.

MOTION CARRIED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

Schedule Public Hearing – Amendment to Chapter 72 (Dog Control):

Mr. Rider has a resolution to introduce and schedule a public hearing for an amendment and reinstatement of Chapter 72 of the Code of the Town of Highlands.

Council Member Edsall made a motion seconded by Council Member Gokey to introduce and schedule a public hearing for the amendment and reinstatement of Chapter 72 of the Code of the Town of Highlands on August 12, 2013 at 7pm.

RESOLUTION ADOPTED: 3-ayes (Livsey, Edsall, Gokey)
0-nays
2-absent (Stradley, Gunza)

******RESOLUTION ATTACHED******

(Council Member Stradley arrived – 7:50pm)

Discipline Committee (Police Dept.):

Supervisor Livsey said a Hearing Committee needs to be formed to handle a matter in the Police Department.

Mr. Rider said the hearing will take place either Wednesday or Thursday at 4:00pm. Mr. Rider stated that, normally, the hearing must take place within 14 days of the appeal, but the Representative is willing to waive that.

Council Member Gunza and Council Member Stradley have agreed to be on the Committee.

Council Member Edsall made a motion seconded by Council Member Gokey to designate Council Member Gunza and Council Member Stradley to be on the Hearing Committee and to attend the hearing on Wednesday at 4:00pm.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

TOWN BOARD

JULY 8, 2013

Notices of Claim:

Supervisor Livsey said that the Board needs to designate a person to receive Notices of Claim from the Secretary of State.

Mr. Rider explained that Notices of Claim requires a person give the Town notice before filing a lawsuit. The Town needs to designate an officer to receive the claims and if the Town is served a fee will be received.

Council Member Gokey made a motion seconded by Council Member Stradley to appoint the Town Clerk as the officer to receive the transmittal of Notices of Claim served on the Secretary of State.

RESOLUTION ADOPTED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

******RESOLUTION ATTACHED******

Surplus Police Vehicle:

Supervisor Livsey said the Police Department has a 2008 Chevy Trailblazer that needs to be declared surplus and put out to bid to be sold.

Council Member Stradley made a motion seconded by Council Member Edsall to declare the 2008 Chevrolet Trailblazer surplus and to put it out to bid for sale.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

Tentative State Equalization Rate:

Supervisor Livsey reported that the State Equalization rate for 2013 is 100%. The Supervisor said that there are two (2) Towns and the City of Newburgh that have 100% equalization rates and that the Town of Highlands is at 100% because of the re-valuation.

MTA Tax Litigation:

Supervisor Livsey said he received a letter from Senator Bonacic regarding the MTA Tax Litigation asking if the Town wanted to take part in an appeal. The Supervisor said he email the Town Board and received two (2) favorable responses so he sent a letter saying the Town wanted to continue with the appeal.

TOWN BOARD

JULY 8, 2013

Mr. Rider suggested that the Board ratify the decision that Supervisor Livsey made.

Council Member Gokey made a motion seconded by Council Member Stradley to ratify the decision to send a letter to Senator Bonacic stating the Board is in favor of being a part of the appeal.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

Police Records Conference:

Supervisor Livsey stated that he received a letter requesting that Randy Bailey and Pete Russell be allowed to use a police vehicle to attend a conference.

Council Member Gokey made a motion seconded by Council Member Stradley to allow Detective Bailey and Detective Russell to use a police vehicle to go to their conference.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

Town Employee Health Insurance:

Supervisor Livsey said he believes that the Board is ready to make a decision on the new Health Plan. The Supervisor said there was nothing in writing from the Highway Union and that one (1) employee had a problem with a hospital, but that is being worked on.

Kelly Blauvelt said the savings are substantial and that the switch will take place September 1. Ms. Blauvelt also said that it was recommended that the two (2) retirees that are enrolled in the health insurance stay with Empire.

Supervisor Livsey said the Board will need to discuss a buyout for the employees that are not taking the health insurance.

Council Member Gokey made a motion seconded by Council Member Stradley to move the Town of Highlands health insurance to CDPHP exclusive of the retirees effective September 1, 2013.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

Guests:

Supervisor Livsey welcomed Kathy Hammil from the Hudson Highlands Land Trust and James DiSalvo a Village Trustee to the meeting.

Champlain Hudson Power Project:

Supervisor Livsey said he gave the letter from Champlain Hudson Power to Mr. Rider.

Mr. Rider explained that it is a massive infrastructure project and they are reaching out to all the municipalities that might be affected by the work. Mr. Rider said they have provided a contract and he will give the Town's contact information so a meeting can be set up.

Supervisor Livsey said he will meet and then inform the appropriate people.

Fill Permit

Supervisor Livsey said that at a previous meeting the Board discussed changes to the Fill Permit. The Supervisor said the Planning Board researched this and does not recommend making any changes and that after reading their letter he agrees.

Council Member Edsall said agrees with the Planning Board also.

Supervisor Livsey tabled this issue

Town Hall Custodial Service:

Supervisor Livsey said that three (3) proposals were received for custodial service at the Town Hall. The Supervisor opened the proposals and said they would be reviewed. The Supervisor said there is no cleaner right now and asked the Board to authorize him to hire someone.

Council Member Edsall made a motion seconded by Council Member Stradley to authorize Supervisor Livsey, Ms. Blauvelt and the Town Clerk to choose a custodian from the three (3) proposals.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

GORAIL:

Supervisor Livsey said he met with a woman from GORAIL who explained that there is currently a Federal Bill that permits oversized loads on the road and GORAIL is against it. The Supervisor said he has the information if anyone is interested.

Planning Board:

Council Member Edsall said it was brought up to combine the Village and Town Code books. Mr. Edsall said the Town has already passed a motion to consolidate the two Boards and the Code Book would be worked on.

TOWN BOARD

JULY 8, 2013

Supervisor Livsey asked Trustee DiSalvo if the Village Board had voted on this issue yet.

Trustee DiSalvo said the Village Board has not had a formal vote on this yet.

Brooks Park Pavilion:

Supervisor Livsey said the pavilion at Brooks Park is ready. The Supervisor said residents can reserve the pavilion for birthday parties, etc. and he doesn't believe the Town needs to charge for this right now.

PUBLIC COMMENT

Ed Magryta asked if any compensation was paid by the Town for the Weyant Road acceptance.

Mr. Rider said that no compensation was paid by the Town and the deed documents are available in the Town Clerk's office.

Annie Scott said that the previous administration talked about returning the \$350,000 to the taxpayers. Ms. Scott said the Town should not hold onto that money they should use it to help the taxpayers and lower the taxes.

EXECUTIVE SESSION

Council Member Stradley made a motion seconded by Council Member Edsall to go into executive session to discuss a police personnel matter. The Board went into executive session at 8:20pm.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

Council Member Stradley made a motion seconded by Council Member Gokey to close the executive session. Executive session closed at 8:50pm.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

ADJOURN

Council Member Gokey made a motion seconded by Council Member Stradley to adjourn the meeting. Meeting adjourned at 8:51pm.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gokey, Stradley)
0-nays
1-absent (Gunza)

RESOLUTION

OF

JULY 8, 2013

A RESOLUTION TO AUTHORIZE
THE TOWN OF HIGHLANDS TO
ENTER INTO A FOURTH AMENDMENT TO
THE EXISTING WATER SUPPLY AGREEMENT
DATED NOVEMBER 6, 2003
BETWEEN THE TOWN OF HIGHLANDS
FOR AND ON BEHALF OF THE TOWN OF HIGHLANDS
WATER DISTRICT NO.1 AND THE TOWN OF HIGHLANDS
WATER DISTRICT NO. 2 AND
THE VILLAGE OF HIGHLAND FALLS

Council Member **Gokey** moved the following resolution which was seconded by Council Member **Edsall**.

WHEREAS, the Town of Highlands has negotiated a Fourth Amendment to the terms and conditions of the existing Water Supply Agreement dated November 6, 2003, and amended in June 2006, August 2009, and July 2012 between the Town of Highlands for and on behalf of the Town of Highlands Water District No. 1 and the Town of Highlands Water District No. 2 and the Village of Highland Falls (hereinafter the "Water Supply Agreement") which will clarify the materials of new infrastructure in the District; and

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into a fourth amendment to the Water Supply Agreement for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is authorized and directed to execute the Fourth Amendment to the Water Supply Agreement; and

BE IT FURTHER RESOLVED, that the Supervisor and officers of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Fourth Amendment to the Water Supply Agreement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman	voting	Absent
June Gunza, Councilwoman	voting	Absent
Holly Gokey, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Aye
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on July 8, 2013.

June Patterson, Town Clerk

RESOLUTION
OF
JULY 8, 2013

A RESOLUTION TO INTRODUCE AND
SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF
A LOCAL LAW AMENDING AND RESTATING
ARTICLE I OF CHAPTER 72 ENTITLED
'ANIMALS' OF THE CODE
OF THE TOWN OF HIGHLANDS

Council Member **Edsall** moved the following resolution which was seconded by Council **Gokey**.

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 2 OF 2013 entitled "A Local Law Amending and Restating Article I of Chapter 72 entitled 'Animals' of the Code of the Town of Highlands" be and hereby is introduced before the Town Board of the Town of Highlands in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on August 12, 2013 at 7:00 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York, and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting in accordance with the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman	voting	Absent
June Gunza, Councilwoman	voting	Absent
Holly Gokey, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Aye
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on July 8, 2013.

June Patterson, Town Clerk

RESOLUTION

OF

JULY 8, 2013

A RESOLUTION DESIGNATING
OFFICER TO RECEIVE NOTICES OF CLAIM
FORWARDED BY THE SECRETARY OF STATE

Council Member **Gokey** presented the following resolution which was seconded by Council Member **Stradley**.

WHEREAS, the Uniform Notice of Claim Act (the "Act"), which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against public corporations (which includes towns) to be served on the New York Secretary of State as agent for New York's public corporations; and

WHEREAS, the Act provides, among other things, that all public corporations entitled to have served upon them a notice of claim as a condition precedent to commencement of an action or proceeding shall, no later than thirty days after the date upon which the Act takes effect, file a certificate with the Secretary of State which provides the Secretary with the name, post office address and electronic mail address, if available, of an officer, person, or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the Secretary as the public corporation's agent.; and

WHEREAS, the Town Board wishes to designate the officer to receive the transmittal of notices of claim served on the Secretary of State.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands hereby designates the following officer as the officer to receive the transmittal of notices of claim served on the Secretary of State:

Town Clerk of the Town of Highlands

254 Main Street

Highland Falls, New York 10928

jpatterson@highlands-ny.gov

and;

BE IT FURTHER RESOLVED, that the necessary certificate be filed with the Secretary of State on or before July 15, 2013 in accordance with the Act; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

James Stradley, Councilman	voting	Aye
June Gunza, Councilwoman	voting	Absent
Holly Gokey, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Aye
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and Adopted at a meeting of the Town Board, Town of Highlands, on July 8, 2013.

June Patterson, Town Clerk